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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,735	02/15/2002	Tim Maria Joris Van Hauwermeiren	7450M	4577

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WHIRLPOOL PATENTS COMPANY - MD 0750
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ST. JOSEPH, MI 49085

EXAMINER	
PERRIN, JOSEPH L	

ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/049,735	VAN HAUWERMEIREN ET AL.
	Examiner	Art Unit
	Joseph L. Perrin, Ph.D.	1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,33 and 36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15,33 and 36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *11 June 2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-15, 33 & 36 in the reply filed on 17 June 2004 is acknowledged.

Information Disclosure Statement

2. The information disclosure statement filed 11 June 2004 fails to fully comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, foreign reference AH (DE 2357646) was not received by the Office and has not been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-15, 33 & 36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, step c) renders the claim as indefinite because the claim is directed to changing (in the alternative) either temperature or relative humidity, to a predetermined second temperature and predetermined

second relative humidity (*i.e.* using both conjunctions "or" & "and"). It is unclear what applicant intends. Are temperature and relative humidity alternatively being claimed ("or") or are both being claimed ("and"). Since the alternative was initially claimed, the position is taken that this is applicant's intent and the claims will be examined accordingly. However, clarification and correction are still required.

Claim 3 recites the limitation "said contacting occurs by spraying" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 5, & 12 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,199,916 to Shishoo.

Re claim 1, Shishoo discloses a fabric treating method including placing a textile article in a treatment apparatus having a wall (col. 3, lines 46-56), raising temperature and relative humidity to predetermined values (varying treatment conditions, *see* col. 9, lines 6-16), and changing at least one of temperature and relative humidity for a predetermined time (*see* col. 10, lines 50-56 & col. 10, line 68 – col. 11, line 10).

Re claim 5, Shishoo further discloses lowering to a third temperature less than about 45°C (*see* col. 10, line 68 – col. 11, line 3).

Re claim 12, Shishoo further discloses the first temperature being about 45°C (col. 11, line 46).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a

later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1, 4-15 & 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,305,484 to Fitzpatrick *et al.* (hereinafter "Fitzpatrick").

Re claims 1, 4 & 12-15, Fitzpatrick discloses treating a fabric article in a container by raising the temperature and relative humidity (via the addition of steam) in the range of 35-85°C for a predetermined steaming period (*see* col. 13, lines 1-4) and changing (lowering) the relative humidity (amount of steam) to a predetermined second temperature and relative humidity (removal of steam to dry at 35-85°C) (*see* col. 13, lines 4-7). Although Fitzpatrick does not expressly disclose the steam levels as a predetermined relative humidity, the position is taken that one of ordinary skill in the art at the time the invention was made would have recognized that by controlling steam application to a desired temperature for a desired time period would create a desired relative humidity, since Fitzpatrick envisaged doing so to control the level of condensation (*see* col. 11, lines 10-21).

Re claim 5, Fitzpatrick implicitly discloses a third temperature of less than about 45°C since removal of the garments after treatment would be removed at ambient temperature.

Re claims 6, 9 & 11, Fitzpatrick further discloses the container having a means for generating heated air and means for generating steam (humidity) (*see* col. 6, lines 44-46), a filter (col. 14, lines 63-64), an air circulation device (fan 151, col. 8, line 30), and air recirculating means & exhaust means continually operating (col. 5, lines 1-18).

Re claim 7, Fitzpatrick further discloses a temperature controller (col. 9, lines 3-5).

Re claim 8, Fitzpatrick further discloses a passive humidity controller (circuit & switch controlling fan heater unit 204, which controls the amount of heated air mixed with steam (*i.e.* relative humidity), *see* col. 12, lines 8-27).

Re claim 10, Fitzpatrick further discloses adding fragrance/perfume during steaming (col. 15, lines 60-64).

Re claim 36, Fitzpatrick further discloses garment tensioning (col. 2, lines 44-46).

11. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzpatrick in view of US 5,908,473 to Weller *et al.* (hereinafter "Weller").

Recitation of Fitzpatrick is repeated here from above. However, Fitzpatrick does not expressly disclose spot pretreatment of a garment prior to further garment cleaning/refreshing.

Weller teaches that it is known to spray a cleaning composition to spot pretreat a garment prior to further laundering/drycleaning (*see* col. 8, lines 33-36).

The position is taken that a person of ordinary skill in the art at the time the invention was made would have been motivated to modify the method of Fitzpatrick with the spot pretreatment disclosed by Weller due to the well known advantages of pretreating stains to achieve optimal cleaning in the laundering art.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 5,730,006 to Conley, which discloses a garment de-wrinkling system using steam;

US 5,528,912 to Weber, which discloses a travel steamer;

US 4,391,602 to Stichnoth *et al.*, which discloses a mixed fabric steam treating chamber;

US 4,186,572 to Arioli *et al.*, which discloses a fabric steaming apparatus;

US 3,739,496 to Buckley *et al.*, which discloses a fabric finishing system using steam;

US 3,601,292 to Bliss, which discloses a garment treating apparatus using steam.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph L. Perrin, Ph.D. whose telephone number is (571)272-1305. The examiner can normally be reached on M-F 7:00-4:30, except alternate Fridays.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael E. Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph L. Perrin, Ph.D.
Examiner
Art Unit 1746

jlp